

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
JOHNSTOWN**

| | | |
|-------------------------------------|---|--------------------------------------|
| GREG ALLEN GIBBS, SR., |) | Civil Action No. 3: 22-cv-00008 |
| |) | |
| Petitioner, |) | Chief United States Magistrate Judge |
| |) | Cynthia Reed Eddy |
| v. |) | |
| |) | |
| ATTORNEY GENERAL, Commonwealth |) | |
| of Pennsylvania; WARDEN SCI FOREST; |) | |
| and DISTRICT ATTORNEY OF |) | |
| BEDFORD COUNTY, |) | |
| |) | |
| Respondents. |) | |

MEMORANDUM AND ORDER¹

Petitioner Greg Allen Gibbs, Sr., has filed the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the amended judgment of sentence imposed on him in the Court of Common Pleas of Bedford County, Pennsylvania, on May 23, 2012, in criminal case CP-05-CR-00008-2009. (ECF No. 4). Respondents filed a Motion to Dismiss seeking to have the petition dismissed without prejudice because it does not state grounds for relief or supporting facts. Petitioner was granted an extension to file a response to the motion by July 29, 2022. The Court has deemed Petitioner's correspondence dated 7-6-2022 (ECF No. 20) as Petitioner's response.

The Court agrees with Respondents that the petition states no grounds for relief or any supporting facts. Ground One of the petition states, "I do not know due to not having what is needed to send to you sorry." And Ground Two states, "I don't have any records to send or give this information." Grounds Three and Four of the petition are blank. Respondents have filed the

¹. In accordance with the provisions of 28 U.S.C. § 636(c)(1), the parties have voluntarily consented to have a U.S. Magistrate Judge conduct proceedings in this case, including entry of a final judgment. jurisdiction by a United States Magistrate Judge. See ECF Nos. 19 and 21.

instant motion requesting that the petition be dismissed without prejudice as they cannot meaningfully respond to Gibbs's habeas petition and this Court cannot meaningfully decide Gibbs's habeas petition. (ECF No. 12).

The Court agrees with Respondents and will, therefore, dismiss the petition without prejudice. Dismissal is appropriate because, as currently written, the Petition is impossible for the Court to meaningfully review Gibbs's claim for habeas corpus relief and it is impossible for Respondents to prepare a meaningful response to the petition. Therefore, the petition will be dismissed without prejudice and Gibbs will be granted leave to file an amended petition.

An appropriate Order follows.

AND NOW, this 2nd day of August, 2022:

Upon consideration of the Motion to Dismiss filed by Respondents (ECF No. 12), it is hereby **ORDERED** that:

1. The Motion to Dismiss is **GRANTED**;
2. The Petition for writ of habeas corpus (ECF No. 4) is **DISMISSED WITHOUT PREJUDICE**; and
3. On or before **September 2, 2022**, Petitioner shall file an Amended Petition for writ of habeas corpus. Failure to file an amended petition will result in the dismissal of this case without prejudice.

BY THE COURT:

s/ Cynthia Reed Eddy
Cynthia Reed Eddy
Chief United States Magistrate Judge

cc: GREG ALLEN GIBBS , SR.
JQ 8472
SCI FOREST
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Christopher J. Schmidt
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(via ECF electronic notification)